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UNCLAS ABUJA 001667

SIPDIS

SENSITIVE

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SUBJECT: AMINA LAWAL - CONVICTION OVERTURNED

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INTRANET OR INTERNET.

1. (SBU) In a four to one majority decision, the Katsina State Shari'a Court of Appeal overturned Amina Lawal's March 2002 adultery conviction and sentence of stoning to death, on the grounds that the conviction had been reached through bad court procedure. A copy of the decision, which was announced in the Hausa language, was not immediately available. Ms. Lawal has been released from custody. It is possible that she could be re-charged and retried, but this is most unlikely. The press is reporting that the prosecutor has already declared publicly there will be no further legal action against Ms. Lawal.

2. (SBU) Amina Lawal had originally been convicted in a local Islamic Law (Shari'a) court on a charge of adultery in March 2002. The only evidence was a child two years after she had become divorced and a confession, later withdrawn, obtained while she was without legal counsel. Ms. Lawal's sentence of death by stoning was suspended by the original court until her child was weaned.

3. (SBU) Nigeria's Constitution provides that states may elect to apply Shari'a, and Nigeria's courts have long done so in civil cases concerning family matters. Since January 2000, 12 northern states out of Nigeria's 36 states have added criminal and penal codes based on Shari'a. Nigeria's Constitution also rules out extreme punishments, an indirect reference to such Shari'a-based punishments as stoning for adultery, but the appeals court's decision today was to throw out the entire conviction on grounds that it was reached through bad court procedure. Such cruel punishments would also contravene various international human rights agreements to which Nigeria is a party, such as the Universal Declaration on Human Rights, but these too appear not to have been the basis for the appeal court's decision.

MEECE